IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23539 of 2005

Between:

Koppadi Janaki

..... PETITIONER

AND

The Revenue Divisional Officer,

Kakinada, East Godavari District and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not permitting the petitioner to distribute the essential commodities to the cardholders of F.P.Shop No.67 of Jagannadhapuram, Kakinada, East Godavari District, though she is having valid authorization, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is a fair price shop dealer of shop No.67 of Jagannadhapuram, Kakinada, East Godavari District and she was appointed in April, 2000. It is stated that the petitioner has been distributing the essential commodities to the cardholders without any complaint whatsoever. While so, pursuant to the inspection made on 26.10.2005, making certain allegations that there was variation of 4.20 kgs of rice and 20 litres of kerosene, an enquiry under Section 6-A of the Essential Commodities Act has been initiated against the petitioner. It is further stated that initiation of proceedings under Section 6-A of the Essential Commodities Act are different and distinct from that of taking action under the Andhra Pradesh State Public Distribution System Control Order, 2001. Any allotment of authorization, suspension or cancellation is only in accordance with the Andhra Pradesh State Public Distribution System Control Order, 2001. No action has been taken under the said Control Order, and without taking any recourse under the said Control Order, supply of essential commodities to the fair price shop of the petitioner has been stopped and the respondents are taking alternative arrangement to keep the distribution of the essential commodities to the cardholders from the shop of the petitioner through the adjacent dealer. Therefore, the petitioner is constrained to file this writ petition.

Admittedly, without cancelling or suspending the fair price shop dealership of the petitioner, the respondents stopped the supply of essential commodities to the shop of the petitioner, which is improper and illegal in view of the Andhra Pradesh State Public Distribution System Control Order, 2001.

In that view of the matter, I deem it appropriate to allow the writ petition, directing the respondents to supply the essential commodities to the fair price shop of the petitioner for purpose of distribution to the respective cardholders, as long as her

authorization is not suspended or cancelled.

With the above observations, the Writ Petition is allowed. No order as to costs.

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V.ESWARAIAH,J

Dated: 02.11.2005

Dsr

Note:

Issue wire at party's costs

B/o

Dsr